

in various, etc., was taken up, read second time and ordered engrossed.

On motion of Senator Tilson, the rules were suspended and bill placed on its third reading by the following vote:

YEAS—25.

Buchanan of Grimes	Houston,	Rainey,
Buchanan of Wood,	Lane,	Ross,
Cooper,	Lightfoot,	Shannon,
Davenport,	Martin of Cooke,	Stewart,
Gooch,	Martin of Navarro,	Stubbs,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Powers,	Wynne.
Homan,		

NAYS—none.

Bill read third time.

Senator Martin of Cooper offered the following amendment: After the word "necessity" insert the word "emergency" in last section of the bill. Adopted by the following vote:

YEAS—25.

Buchanan of Grimes	Houston,	Rainey,
Buchanan of Wood,	Lane,	Ross,
Cooper,	Lightfoot,	Shannon,
Davenport,	Martin of Cooke,	Stewart,
Gooch,	Martin of Navarro,	Stubbs,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Powers,	Wynne.
Homan,		

NAYS—none.

Senator Homan offered the following amendment: Add to last section "and the constitutional rule requiring this bill to be read on three several days is hereby suspended." Adopted by the following vote:

YEAS—25.

Buchanan of Grimes	Houston,	Rainey,
Buchanan of Wood,	Lane,	Ross,
Cooper,	Lightfoot,	Shannon,
Davenport,	Martin of Cooke,	Stewart,
Gooch,	Martin of Navarro,	Stubbs,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Powers,	Wynne.
Homan,		

NAYS—none.

The bill was then passed by the following vote:

YEAS—25.

Buchanan of Grimes	Houston,	Rainey,
Buchanan of Wood,	Lane,	Ross,
Cooper,	Lightfoot,	Shannon,
Davenport,	Martin of Cooke,	Stewart,
Gooch,	Martin of Navarro,	Stubbs,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Powers,	Wynne.
Homan,		

Senate bill No. 17, entitled "An act making the office of county surveyor an office of record," was taken up, read second time and ordered engrossed.

Senate bill No. 72, entitled "An act to procure from the publishing house owning the copyrights, certain volumes of the early reports of the Supreme Court of the State of Texas," was taken up, read second time and ordered engrossed.

On motion of Senator Henderson, Senators Shannon and Homan were added to Committee on State Affairs.

The following message was received from his Excellency, the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, February 2, 1881.

To the Honorable Senate and House of Representatives in the Legislature assembled:

The board for the erection of a new capitol, composed of the Governor, Comptroller, Treasurer and Attorney General, yesterday received and accepted a bid for fifty thousand acres of land at fifty-five and one-half cents per acre, one half of which is to be paid over to the public free school fund, and the other half to defray the ex-

pense of advertising, surveying, and paying the architect, whose plan and specifications for the capitol shall be selected, of which amount there will be about two thousand dollars left.

By the concurrence of said board, it was determined to ask the Legislature to allow them to expend the said balance, or so much thereof as may be found necessary, to employ a first class architect or architects, to aid them in selecting from amongst a number of plans of a capitol that have been submitted, that one which would be most suitable for our new capitol, and when finished will be certain to be worth one million and a half of dollars, at which price, the three millions of acres of capitol lands have been valued, which is contemplated to be given for said capitol. Under the law we have appointed a superintendent and two commissioners, Messrs, Preston, Lee and Norton, whose business under the law is to make said selections of a plan of a capitol, and afterwards superintend the building of it. But after they shall have made the selections under the law, it then becomes the duty of said board of executive officers to approve the selection. It is the wish of said superintendent and commissioner, as well as of every member of the board, that we should be furnished the aid of an experienced and learned architect, or architects, in making said selection.

It will probably take a month or more for any one to examine the plans and specifications, that have been submitted, and if we were capable of determining all of the details, as a skilful architect is, we would hardly have time, from our other necessary duties, to form a proper judgment, without the aid of an experienced architect to make the explanations that might be necessary.

Respectfully submitted,

O. M. ROBERTS, Governor.

Referred to Committee on Public Buildings.

On motion of Senator Homan, Senate adjourned till to-morrow morning at 10 o'clock.

TWENTY-FIRST DAY.

SENATE CHAMBER, }
AUSTIN, February 3, 1881. }

The Senate met pursuant to adjournment; the President pro tem. in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Stewart, the reading of the journal was suspended and the same adopted.

Senator Powers introduced a bill entitled "An act to establish the thirty-sixth judicial district of the State of Texas." Referred to Committee on Judicial Districts.

On motion of Senator Shannon, Senator Houston was excused for one week from the ninth instant.

Senator Rainey introduced a bill entitled "An act to amend article 2799 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879." Referred to Judiciary Committee No. 1.

On motion of Senator Martin of Cooke, Senator Buchanan of Grimes was excused for five days from Saturday morning next.

Senator Homan introduced a bill entitled "An act to prohibit the sale, exchange or gift, within this State, of intoxicating liquors other than wines and malt liquors, except for medical purposes." Referred to Judiciary Committee No. 2.

Senator Lane introduced a bill entitled "An act to amend article 245, chapter 2, of the Revised Civil Statutes, and to repeal article 247, chapter 2, of the Revised Civil Statutes." Referred to Judiciary Committee No. 1.

House bill No. 35, entitled "An act to amend article 1081, chapter 3, title 15, of the Code of Criminal Procedure, adopted February 21, 1879," was taken up and read second time.

Senator Wynne offered the following amendment: Amend by striking out the words "one dollar and fifty cents" in the fourteenth line, page 1.

Pending the amendment, on motion of Senator Homan, the bill was postponed till to-morrow.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 3, 1881

Hon. J. Y. Gooch, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined the following bills and resolutions, viz.:

Senate bill No. 17, entitled "An act making the office of county surveyor an office of record."

Senate bill No. 73, entitled "An act defining who are officers of this State and prescribing their rights, powers, duties and privileges."

Senate bill No. 72, entitled "An act to procure from the publishing house owning the copyrights certain volumes of the early reports of the Supreme Court of the State."

Senate bill No. 53, "An act to authorize and request the Governor to ascertain and file in the War Department, or in such other department as the matter may be referred to, a certified abstract, accompanied with proper vouchers and proofs, of the money expended and indebtedness assumed and incurred by the State of Texas in repelling invasions by Mexican and Mexican-Indian banditti, and in suppressing Indian hostilities."

Senate bill No. 44, entitled "An act to amend article 375, chapter 4, title 17 of the Revised Civil Statutes of the State of Texas, relating to the powers of the councils of cities and towns over the streets, alleys and public grounds."

Senate bill No. 50, entitled "An act to adjust the State's indebtedness to the University fund, and make an appropriation therefor."

And Senate joint resolution instructing our Senators and requesting our Representatives in Congress to use their endeavors to procure substantial and suitable appropriations for the attainment of a large draught of water on the bars of Brazos de Santiago, Aransas and Sabine Pass and Pass Cavallo, in the State of Texas, and find said bills and resolution correctly engrossed.

BUCHANAN of Grimes, Chairman.

On motion of Senator Wynne, rules were suspended and Senate bill No. 73, entitled "An act defining who are officers of the State and prescribing their rights, powers, duties and privileges," was taken up by the following vote:

YEAS—25.

Buchanan of Grimes	Lane,	Ross,
Buchanan of Wood,	Lightfoot,	Shannon,
Cooper,	Martin of Cooke,	Stewart,
Gooch,	Martin of Navarro,	Stubbs,
Harris,	Moore,	Terrell,
Henderson,	Patton,	Tilson,
Hightower,	Powers,	Weatherred,
Homan,	Rainey,	Wynne.
Houston,		

NAYS—none.

Bill taken up and read third time.

Senator Homan offered the following amendment: Amend the caption of the bill so as to make it read as follows: "An act to prevent members of the Democratic party from being elected to office as independent candidates against regular nominees of said party." Withdrawn and bill passed.

Senate bill No. 17, entitled, "An act making the office of county surveyor an office of record," was taken up in its regular order, read third time and passed.

Senate bill No. 44, entitled, "An act to amend article 375, chapter 4, title 17 of the Revised Civil Statutes of the State of Texas, relating to the powers of the councils of cities and towns over the streets, alleys and public grounds" was taken up, read third time and passed.

Senate bill No. 50, entitled, "An act to adjust the State's indebtedness to the university fund and make an appropriation therefor," was taken up, read third time and passed by the following vote:

YEAS—24.

Buchanan of Wood,	Lane,	Ross,
Cooper,	Lightfoot,	Shannon,
Gooch,	Martin of Cooke,	Stewart,
Harris,	Martin of Navarro,	Stubbs,
Henderson,	Moore,	Terrell,
Hightower,	Patton,	Tilson,
Homan,	Powers,	Weatherred,
Houston,	Rainey,	Wynne.

NOT VOTING.

Buchanan of Grimes.

Senate bill No. 53, entitled, "An act to authorize and request the Governor to ascertain and file in the War Department, or in such other department as the matter may be referred to, a certified abstract accompanied with proper vouchers and proofs of the money expended and indebtedness assumed and incurred by the State of Texas in repelling invasions by Mexican and Mexican-Indian banditti, and in suppressing Indian hostilities," was taken up, read third time and passed by the following vote:

YEAS—24.

Buchanan of Wood,	Lane,	Shannon,
Cooper,	Martin of Cooke,	Stewart,
Gooch,	Martin of Navarro,	Stubbs,
Harris,	Moore,	Swain,
Henderson,	Patton,	Terrell,
Hightower,	Powers,	Tilson,
Homan,	Rainey,	Weatherred,
Houston,	Ross,	Wynne.

NOT VOTING.

Buchanan of Grimes.

Senate bill No. 72, entitled "An act to procure from the publishing house owning the copyrights, certain volumes of the early reports of the Supreme Court of the State," was taken up.

Senator Buchanan of Wood offered the following amendment:

WHEREAS, A number of counties in this State have never been furnished with complete sets of Supreme Court Reports of Texas; and, whereas, it is important that such counties should be furnished with full sets of such reports, therefore an imperative necessity and emergency exists that this bill should be in force from and after its passage, and it is hereby enacted.

Adopted by the following vote:

YEAS—22.

Buchanan of Grimes	Houston,	Shannon,
Buchanan of Wood,	Lane,	Stewart,
Cooper,	Lightfoot,	Stubbs,
Gooch,	Moore,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.
Homan,		

NAYS—3.

Martin of Cooke, Martin of Navarro, Ross.

The bill was then passed by the following vote:

YEAS—22.

Buchanan of Grimes	Houston,	Shannon,
Buchanan of Wood,	Lightfoot,	Stewart,
Cooper,	Martin of Navarro,	Stubbs,
Gooch,	Moore,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.
Homan,		

NAYS—2.

Martin of Cooke, Ross.

NOT VOTING.

Lane.

Senate bill No. 1, entitled "An act to amend article 3704, Revised Statutes of Texas," was taken up and read second time, with majority and minority reports.

Senator Buchanan of Wood moved the adoption of the majority report.

On motion of Senator Shannon, the bill was postponed till two weeks from to-day and made special order for that day.

Senate joint resolution No. 12, "An act proposing to repeal section 56 of article 16 of the Constitution of the State of Texas," was taken up and read second time, with majority and minority reports.

Senator Terrell moved the adoption of the minority report, which report recommends that section 56 of article 16 of the Constitution be not repealed, but substituted. Lost by the following vote:

YEAS—11.

Buchanan of Grimes
Buchanan of Wood,
Cooper,
Harris,

Hightower,
Lane,
Ross,
Terrell.

Tilson,
Weatherred,
Wynne.

NAYS—14.

Gooch,
Henderson,
Homan,
Houston,
Lightfoot,

Martin of Cooke,
Martin of Navarro,
Moore,
Patton,
Powers,

Rainey,
Shannon,
Stewart,
Stubbs.

Senator Patton offered the following substitute for the minority report:

SUBSTITUTE.

The Legislature of the State of Texas, for the purpose of encouraging immigration, may make annual appropriations for the gathering and disseminating of information in regard to the statistics of the health, climate, soil and resources, and the history of the State.

Senator Terrell offered the following amendment to the substitute of Senator Patton: Amend substitute of Senator Patton by striking out the words "encouraging immigration" and insert in lieu thereof the following, "of inducing the immigration of a self-sustaining population willing and able to come without State aid." Accepted by Senator Patton.

Substitute lost and resolution ordered engrossed by the following vote:

YEAS—14.

Gooch,
Henderson,
Homan,
Houston,
Lightfoot,

Martin of Cooke,
Martin of Navarro,
Moore,
Patton,
Powers,

Rainey,
Shannon,
Stewart,
Stubbs.

NAYS—11.

Buchanan of Grimes
Buchanan of Wood,
Cooper,
Harris,

Hightower,
Lane,
Ross,
Terrell,

Tilson,
Weatherred,
Wynne.

The President pro tem. then signed House bill No. 11, entitled "An act to amend article 435 of the Code of Criminal Procedure, providing for the transfer of indictments from the district courts to courts having jurisdiction."

Senate joint resolution No. 14, proposing an additional article to the Constitution, to be known as an "Article on Immigration," was taken up, read second time, majority report adopted and resolution lost.

Senate joint resolution No. 18, proposing to amend section 11, article 8 of the Constitution of the State of Texas, was taken up and read second time.

On motion of Senator Stewart, resolution was postponed until one week from to-morrow.

Senate bill No. 18, entitled "An act regulating juries in capital cases," was taken up, read second time, with majority and minority reports.

Senator Henderson offered the following as a substitute:

A bill to be entitled "An act to amend chapter 2, title 8, of the Code of Criminal Procedure, entitled 'Of the special venire in capital cases.'"

On motion of Senator Houston the bill and substitute were postponed and made the special order for Monday, fourteenth inst., and 100 copies of the substitute ordered printed.

Senate bill No. 19, entitled "An act to amend article 4662, chapter 1, title 95, of the Revised Civil Statutes of the State of Texas, so as to reduce the ad valorem State tax to the rate of forty cents on a hundred dollars," was taken up and read second time.

Senator Patton moved to postpone the bill till one week from to-day.

(Senator Houston in the chair.)

Senator Patton's motion to postpone was lost by the following vote:

YEAS—12.

Buchanan of Grimes
Henderson,
Houston,
Lightfoot,

Martin of Cooke,
Martin of Navarro,
Patton,
Powers,

Rainey,
Shannon,
Stewart,
Tilson.

NAYS—13.

Buchanan of Wood,
Cooper,
Gooch,
Harris,
Hightower,

Homan,
Lane,
Moore,
Ross,

Stubbs,
Terrell,
Weatherred,
Wynne.

Senator Homan offered the following amendment: Add the following section:

Article 4664. There shall be levied upon and collected from every male person between the ages of twenty-one and sixty years, resident within this State, on the first day of January of each year (Indians not taxed, and persons insane, blind, or those who by amputation or otherwise have lost the use of a hand or foot excepted), an annual poll tax of one dollar each, for the benefit of public free schools."

Also, amend caption by inserting after "4662" the following "and 4661."

Senator Rainey moved to adjourn till to-morrow morning at 10 o'clock. Lost.

Senator Stewart moved to postpone the bill until to-morrow, and that it be made the special order immediately after the two special orders already set for to-morrow are disposed of.

Senator Lane moved to amend the motion by adding the words "to be continued from day to day until disposed of." Adopted and the motion as amended adopted.

On motion of Senator Cooper, Senate adjourned till to-morrow at 10 A. M.

TWENTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, February 4, 1881. }

Senate met pursuant to adjournment; the President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Martin of Navarro, the reading of the journal of yesterday was dispensed with, and same adopted.

Senator Shannon, chairman of Committee on Internal Improvements, submitted the following reports:

COMMITTEE ROOM,

AUSTIN, February 4, 1881.

Hon. John Y. Gooch, President pro tem. of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 47, to be entitled "An act to amend article 4256, chapter 10, title 84, of the Revised Civil Statutes," have considered the same, and I am instructed by the committee to report the bill back to the Senate, and recommend its passage.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,

AUSTIN, February 4, 1881.

Hon. J. Y. Gooch, President pro tem. of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 58, to be entitled "An act to amend article 4256 of the Revised Civil Statutes of the State of Texas," relating to passenger fare on railroads, have considered the same, and I am instructed to report that the object sought to be obtained by said bill is fully provided for by the provisions of Senate bill No. 47, entitled "An act to amend article 4256, chapter 10, title 84, of the Revised Civil Statutes," this day favorably reported to the Senate. Your committee therefore ask that they be discharged from its further consideration.

SHANNON, Chairman.

Bill read first time.

Senator Tilson, by leave, presented a petition addressed to his Excellency Governor Roberts, and signed by Miss Harriet A. Fowler, of Piqua, Miami county, Ohio, attorney for the